

Message Text

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PAGE 01 MOSCOW 03244 111849Z
ACTION EUR-12

INFO OCT-01 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00 DOTE-00
EB-08 INR-07 NSAE-00 FAA-00 L-03 PM-04 NSC-05 SP-02
SS-15 EURE-00 H-01 /060 W
-----111925Z 129026 /45

P 111505Z MAR 77
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC PRIORITY 4980

C O N F I D E N T I A L MOSCOW 3244

E.O. 11652: GDS
TAGS: EAIR UR US
SUBJECT: SOVIETS LINK CONTINUATION OF US CHARTER FLIGHTS TO
ADDITIONAL SCHEDULED AEROFLOT FLIGHTS

REFS (A) STATE 43254, (B) MOSCOW 2996

SUMMARY: E/C COUNSELOR WAS CALLED TO THE MINISTRY OF
FOREIGN AFFAIRS (MFA) ON MARCH 11 TO RECEIVE SOVIET
DIPLOMATIC NOTE AND "NON-PAPER" ON SUBJECT OF BILATERAL
CIVIL AVIATION. NOTE (TEXT BELOW) PROPOSES AMENDMENT
OF POINT 5 OF THE ANNEX TO THE 1966 CIVIL AIR AGREEMENT AS AMENDED
TO PROVIDE FOR FOUR SCHEDULED FLIGHTS BY BOTH AIRLINES
BETWEEN APRIL 1 AND OCTOBER 31, 1977. THE NON-PAPER
REFERS TO THE EXPIRATION ON MARCH 31, 1977, OF THE
"ORAL UNDERSTANDING" ON CHARTERS AND STATES THAT THE
SOVIET SIDE IS PERPARED TO EXTEND IT (TIME PERIOD
UNSPECIFIED) IF THE UNITED STATES ACCEPTS THE PROPOSED
MODIFICATION OF POINT 5 CONTAINED IN THE SOVIET NOTE.
END SUMMARY

1. E/C COUNSELOR WAS CALLED TO MFA BY TRIFONOV (USA
DIVISION) TO RECEIVE NOTE DATED MARCH 11, 1977, AND
UNDATED "NON-PAPER", BOTH ON SUBJECT OF BILATERAL CIVIL
AIR RELATIONS. EMBASSY'S INFORMAL TRANSLATIONS OF THE
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NOTE AND THE "NON-PAPER" ARE AS FOLLOWS:

(A) NOTE- BEGIN TEXT: THE MINISTRY OF FOREIGN AFFAIRS
OF THE UNION OF SOVIET SOCIALIST REPUBLICS, REFERRING TO
THE AGREEMENT BETWEEN THE GOVERNMENT OF THE USSR AND THE
GOVERNMENT OF THE USA ON AIR TRANSPORT, SIGNED ON NOVEMBER
4, 1966, AMENDED BY THE PROTOCOL OF JUNE 23, 1973, AND

THE AGREEMENT IN THE FORM OF AN EXCHANGE OF NOTES OF DECEMBER 4 AND 22, 1975, PROPOSES THAT POINT 5 OF THE ANNEX TO THE AGREEMENT READ (PREDLAGAET IZLOZHIT') AS FOLLOWS:

"EACH DESIGNATED AIRLINE MAY OPERATE UP TO TWO FLIGHTS PER WEEK UNTIL MARCH 31, 1977, UP TO FOUR FLIGHTS PER WEEK IN THE 1977 SUMMER SEASON (APRIL 1, 1977 - OCTOBER 31, 1977,) UP TO TWO FLIGHTS PER WEEK IN THE WINTER SEASON 1977-78 (NOVEMBER 1, 1977 - MARCH 31, 1978), AND THEREAFTER SUCH NUMBER OF FLIGHTS AS IS SUBSEQUENTLY AGREED BY THE CONTRACTING PARTIES. THE DESIGNATED AIRLINE OF THE USA MAY EXERCISE THE RIGHT SPECIFIED IN POINT 4 ON ALL ITS FLIGHTS. THE DESIGNATED AIRLINE OF THE USSR MAY EXERCISE THE RIGHT SPECIFIED IN POINT 4 ON TWO OF ITS FLIGHTS."

IF THIS PROPOSAL IS ACCEPTABLE TO THE GOVERNMENT OF THE USA, THEN THE MINISTRY WILL VIEW THIS NOTE AND A RESPONDING NOTE FROM THE EMBASSY AS AGREEMENT ON INTRODUCING THE REVISIONS IN POINT 5 OF THE ANNEX TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE USSR AND THE GOVERNMENT OF THE USA ON AIR TRANSPORT OF NOVEMBER 4, 1966, AS AMENDED BY THE ABOVE-MENTIONED PROTOCOL AND AGREEMENT IN THE FORM OF AN EXCHANGE OF NOTES. END TEXT OF NOTE.

(B) "NON-PAPER" BEGIN TEXT: INASMUCH AS THE ORAL UNDERSTANDING ON CHARTER FLIGHTS EXPIRES ON MARCH 31, 1977, THE MINISTRY WISHES TO INFORM THE EMBASSY THAT THE SOVIET SIDE IS PERPARED TO EXTEND THE LIFE OF THE CONFIDENTIAL

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ABOVE -MENTIONED ORAL UNDERSTANDING IN THE EVENT THE AMERICAN SIDE ACCEPTS THE TEXT OF POINT 5 TO THE AGREEMENT IN THE WORDING PROPOSED IN THE NOTE.

WE ALSO HAVE IN MIND THAT THE SOVIET-AMERICAN NEGOTIATIONS ON AIR TRANSPORT WILL BE CONTINUED FOR THE PURPOSE OF RESOLVING THE ISSUES WHICH ARE STILL UNDECIDED. END TEXT OF "NON PAPER".

2. AFTER READING BOTH DOCUMENTS COUNSELOR INQUIRED IF PURPOSE WAS TO LINK CONTINUATION OF CHARTER FLIGHTS BEYOND MARCH 31 TO OUR ACCEPTANCE OF FOUR SCHEDULED FLIGHTS BY AEROFLOT AFTER APRIL 1. TRIFONOV RESPONDED AFFIRMATIVELY. COUNSELOR THEN ASKED IF US CHARTERS WOULD BE TERMINATED ON MARCH 31 IF SOVIET PROPOSAL WAS NOT ACCEPTED. TRIFONOV STATED THAT HE COULD NOT GO BEYOND LANGUAGE OF THE NOTE.

3. IN GIVNING STANDARD ASSURANCE THAT SOVIET NOTE WOULD BE PROMPTLY TRANSMITTED TO WASHINGTON, COUNSELOR EXPRESSED

ON PERSONAL BASIS SKEPTICISM THAT SOVIET PROPOSAL WOULD FACILITATE SOLUTION TO PROBLEM. IN RESPONSE TO TRIFONOV'S REFERENCE TO SOVIET EXPECTATION (IN NON-PAPER) THAT CIVIL AIR TALKS WOULD RESUME, COUNSELOR SAID THAT WE CONTINUE TO HOPE THAT IN THIS AREA WHERE OUR MUTUAL INTERESTS ARE SO OBVIOUS WE WILL BE ABLE TO COME TO A SATISFACTORY AGREEMENT THAT WILL PERMIT BOTH PARTIES TO DERIVE FULL AND FAIR BENEFIT FROM OUR BILATERAL AIR RELATIONSHIP.

4. COMMENT: IN LIGHT EARLIER DISCUSSION OF SIMILAR SOVIET PROPOSAL DURING RECENT NEGOTIATIONS IN WASHINGTON (REFTEL A, PARA 6) EMBASSY ASSUMES THAT DEPARTMENT WILL FIND LATEST SOVIET PROPOSAL UNACCEPTABLE. IN OUR DISCUSSIONS LAST MONTH WITH MINISTRY OF CIVIL AVIATION, WE GAINED IMPRESSION THAT SOVIETS HAVE VIRTUALLY WRITTEN OFF AT LEAST THE FIRST HALF OF THE APRIL-OCTOBER PERIOD. WHILE THEY MAY TERMINATE OR LIMIT PAN AM CHARTERS AFTER
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MARCH 31, THIS WOULD MEAN RENEGING ON RECENT ORAL COMMITMENT TO PAN AM TO PERMIT CONTINUATION OF CHARTERS THROUGH JUNE 30 (REFTEL B). MOREOVER, THE FACT THAT THIS REFERENCE WAS PUT IN A "NON-PAPER" RATHER THAN THE DIPLOMATIC NOTE SUGGESTS THAT THE SOVIETS HAVE RETAINED A DEGREE OF FLEXIBILITY IN DEALING WITH THE ISSUE. IF WE WERE TO REMIND THEM THAT EVEN THEIR PRESENT TWO FREQUENCIES ARE BASED ON ASSUMPTION THAT CHARTER FLIGHTS WILL CONTINUE, THEY MIGHT WELL PREFER CONTINUATION OF STATUS QUO TO ANOTHER DOWNWARD STEP. EMBASSY BELIEVES THAT THIS WARNING, TO BE MADE EFFECTIVE, SHOULD BE COMMUNICATED TO MFA AS SOON AS USG HAS TAKEN AN OFFICIAL POSITION ON THE ISSUE (REFTEL A, PARA 8).
TOON

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Message Attributes

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Control Number: n/a
Copy: SINGLE
Sent Date: 11-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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